UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

JESSIE JAMES PAGAN and : LILYANN DAVILA, on behalf of : themselves and all similarly : situated persons, :

Plaintiffs, :

v. : Civil Action No. 3:22-cy-297

:

FANEUIL, INC.,

Defendant.

Botondano

DEFENDANT'S MOTION TO DISMISS

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure,

Defendant Faneuil Inc. moves this court to dismiss the complaint because it fails to establish subject matter jurisdiction and because it alleges insufficient facts to state a cause of action.

WHEREFORE, Defendant, respectfully requests that this Court enter an Order dismissing the complaint with prejudice.

s/

Jonathan L. Fahey
Tate Bywater
2470 Chain Bridge Rd.
Vienna, Virginia 22181
Tel: (703) 938-5100
j fahey@tatebywater.com

James Lee (pro hac vice)
Boies Schiller Flexner LLP
100 SE Second Street
Suite 2800
Miami, FL 33131
jlee@bsfllp.com

Mark Mao (*pro hac vice*) Boies Schiller Flexner LLP 44 Montgomery Street 41st Floor San Francisco, CA 94104 mmao@bsfllp.com

Certificate of Service

I hereby certify that on the 15th of June, 2022, I caused the foregoing document to be filed with the Clerk of Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/	
Jonathan Fahey	